

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 3, 1999

DIVISION ONE

B118828 People (Certified for Publication)
v.
Deptowicz

The judgment is affirmed.

Dunn, J. (Assigned)

We concur: Spencer, P.J.
Ortega, J.

B124204 People (Not for Publication)
v.
Torres

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B123866 People (Not for Publication)
v.
Herrera

The matter is remanded for resentencing with respect to the finding under Penal Code section 667.5, subdivision (b). In all other respects, the judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.
Ortega, J.

February 3, 1999-Continued

DIVISION ONE (Continued)

B120534 People (Not for Publication)
v.
Forma

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B120231 People (Not for Publication)
v.
Dent

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION TWO

B123828 People (Certified for Publication)
v.
Bendix L. Thygesen

The restitution award in favor of Bonner is reversed. The matter is remanded to the trial court for a new hearing. Any award therefrom shall be based on the reasonable replacement value of a cement mixer or like style and age, as well as loss of rental value from the date of loss to the date the mixer should have reasonably been replaced. The trial court may also consider an award of interest under section 1202.4, subdivision (f)(3)(F).

Nott, J.

We concur: Boren, P.J.
 Zebrowski, J.

DIVISION TWO (Continued)

B122041 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Milton L.

The order of the trial court is affirmed.

Nott, Acting P.J.

We concur: Zebrowski, J.
 Mallano, J. (Assigned)

B116872 Scott Nelson and Kelly Nelson (Not for Publication)
 v.
 John A. Morrison and Kathleen Morrison

The judgment is reversed. The trial court is ordered to give appellants leave to amend the first cause of action for negligence in the TAC in conformance with this opinion, and to proceed accordingly. Appellants are to receive costs on appeal.

Nott, J.

We concur: Boren, P.J.
 Zebrowski, J.

B119115 Sonia Dimas (Not for Publication)
 v.
 Angel Suarez

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Mallano, J. (Assigned)

February 3, 1999-Continued

DIVISION TWO (Continued)

B111278 People (Not for Publication)
v.
Jonathan Covington

The judgment of guilty on counts 1 and 2 is reversed. The matter is remanded to the trial court for imposition of a further restitution fine pursuant to section 1202.45. In all other respects, the judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Zebrowski, J.

B117476 People (Not for Publication)
v.
Christopher Lawrence Orozco

The Court:

The judgment is modified to reflect a \$200 fine pursuant to section 1202.45, which fine is suspended unless appellant's parole is revoked, and an amended abstract of judgment shall be prepared to reflect this fine. In all other respects, the judgment is affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

DIVISION THREE

B114446 County of Los Angeles (Not for Publication)
v.
Ranger Insurance Company

The order denying Ranger's request to vacate the forfeiture of the bail bond is affirmed. The appeal from the summary judgment is dismissed. Costs on appeal to the County.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION THREE (Continued)

B113153 Morvarid Louise Moradi (Not for Publication)
B115046 v.
B115798 Yehouda Azray Moradi, et al.

The order of dismissal is affirmed. The order denying defendants' motion for sanctions under Code of Civil Procedure section 128.7 is affirmed. The order denying wife's request for attorney's fees and costs in defending and prevailing upon defendant's section 128.7 motion for sanctions is affirmed. Defendants' request for appellate sanctions is denied. Costs on appeal to defendants.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B116702 Grant Lyddon (Not for Publication)
v.
Kathy Owens, et al.

The order denying defendants' section 473 motion is affirmed. Costs on appeal to plaintiff.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B117590 People (Not For Publication)
v.
Jackson

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

February 3, 1999-Continued

DIVISION THREE (Continued)

B118819 People (Not for Publication)
v.
Gonzalo J.

The order under review is affirmed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

[illegible]

The order under review is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

[illegible]

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

February 3, 1999-Continued

DIVISION FOUR (Continued)

B124359 People (Not for Publication)
v.
Raya

The judgment is affirmed.

Curry, J

We concur: Vogel (C.S.), P.J.
 Hastings, J.

B109188 Drain (Certified for Partial Publication)
v.
Betz Laboratories

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

DIVISION FIVE

Court convened at 9:00 A.M.

Present: Turner, P.J., Grignon, J., Armstrong, J., and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B119297 People v. Miguel Gomez
B121090 People v. Carlos Lopez & Gustavo Rodrigues
B124379 DCFS v. Mary M.
B125509 People v. Enrique Sancez

Argument waived, cause submitted.

DIVISION FIVE (Continued)

B123370 Donald L. Kramer
 v.
 California Compensation Ins. Co.

Merits:
Argued by Michael G. Portner for appellant and by Alan R. Zuckerman for respondents. Cause submitted.

B127411 Rosmarie P.
 v.
 Los Angeles County Superior Court
 (Department of Children & Family Services, r.p.i.)

Merits:
Argued by Cameryn Schmidt for petitioner and by Doraine F. Meyer for real party in interest. Cause submitted.

B125771 Marlene S., et al.
 v.
 Los Angeles Superior Court
 (Department of Children & Family Services, r.p.i.)

Merits:
Argued by Kathy Post Klein and Michael E. Moore for petitioners and by Azezoo Pichvai and Lisa K. Rozzano for real parties in interests. Cause submitted.

Court convened at 9:55 a.m.

Present: Turner, P.J., Grignon, J., Armstrong, J., and Zaida G. Heraldez, Deputy Clerk.

B113992 Northwest Jet Sales & Leasing Corp.
 v.
 Laurence Balter et al.

Merits:
Argued by R. T. Haas for appellants and by John H. Ernster for respondent. Cause submitted.

Court recessed.

DIVISION FIVE (Continued)

The Court reconvened at 10:10 a.m.

Present: Turner, P.J., Grignon, J., Godoy Perez, J., and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B125084 DCFS v Sheila A.
B120781 People v. Rosemarie P.

Argument waived, cause submitted.

B117707 Sharon Y. Danley
v.
Bruce Berman

Merits:

Argued by David W. Jacobs for appellant and by Gabriele Mezger-Lashly for respondent. Cause submitted.

B115343 Mitchell L. Reinschreiber
v.
Fredrick R. Weisman Art Foundation et al.

Merits:

Argued by Karen Mechstroth for appellant and by Patricia Lofton for respondent. Cause submitted.

Court recessed.

The Court reconvened at 11:00 a.m.

Present: Grignon, Acting P.J., Armstrong, J., Godoy Perez, J., and Zaida G. Heraldez, Deputy Clerk.

DIVISION FIVE (Continued)

Each of the following:

B122277 People v. Wilson
B123142 People v. Eduardo Panameno
B121401 People v. Rene C.
B125084 DCFS v. Sheila B.

Argument waived, cause submitted.

B123237 Copy Mate Products, Inc.
 v.
 H. L. Marks

Merits:

Argued by Robert Winslow Cohen for appellant and by Howard M. Fields and Martin F. Goldman for respondents. Cause submitted.

B122255 Jon W. Hosea
 v.
 National Bank of Canada

Merits:

Argued by Paul Rolf Jensen for appellant and by David K. Johnson for respondent. Cause submitted.

B111522 The People
 v.
 Reco Wilson

Merits:

Argued by Laura Schaefer for appellant and by Stephanie Miyoshi, Deputy Attorney General, for respondent. Cause submitted.

Court recessed.

The Court reconvened at 1:00 p.m.

Present: Grignon, Acting P.J., Armstrong, J., Godoy Perez, J., and Zaida G. Heraldez, Deputy Clerk.

DIVISION FIVE (Continued)

Each of the following:

B114211 Novaplex Inc. v. City of Los Angeles

B121097 Janesse Bland v. Beverly Hills Unified School Dist.

Argument waived, cause submitted.

B121393 Gary P. Ruster
v.
County of Los Angeles

Merits:

Argued by Gary P. Ruster for appellant and by Donna Koch for respondent.
Cause submitted.

B121097 Jesus Cortez
v.
Yamaha Motor Corporation

Merits:

Argued by Paul F. Sowa for appellant and by Jack A. Janov for respondent.
Cause submitted.

Court adjourned.

DIVISION SIX

B121611 People (Not for Publication)
v.
Girego

The commitment order is reversed.

Burke, J. (Assigned)

We concur: Yegan, Acting P.J.
Coffee, J.

February 3, 1999-Continued

DIVISION SIX (Continued)

B122449 People (Not for Publication)
v.
Hernandez

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

B122429 People (Not for Publication)
v.
Benavidez

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

DIVISION SEVEN

B113250 Dymousky
v.
Pacific Building Management

Filed order denying petition for rehearing.

B124179 People (Not for Publication)
v.
Cleafus W.

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
 Johnson, J.

February 3, 1999-Continued

DIVISION SEVEN (Continued)

B118645 People (Not for Publication)
v.
Mendoza

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

B116681 O'Donnell (Not for Publication)
v.
Deo, et al.

The judgments of the superior court are affirmed. Respondents shall recover their costs on appeal.

Neal, J.

We concur: Lillie, P.J.
 Johnson, J.

B117009 O'Donnell (Not for Publication)
v.
Shin, et al.

The judgments of the superior court are affirmed. Respondents shall recover their costs on appeal.

Neal, J.

We concur: Lillie, P.J.
Woods, J.